

## 2009 DRAFTING REQUEST

### Bill

Received: **01/23/2009**

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 6-1353**

By/Representing: **Kraus**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **State Govt - miscellaneous**

Extra Copies:

Submit via email: **NO**

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### Pre Topic:

DOA:.....Kraus, BB0513 -

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### Topic:

Sales of state-owned real property

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### Instructions:

Per attached request, 1/23/09.

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 01/25/2009	csicilia 01/26/2009					State
/1			rschluet 01/26/2009		sbasford 01/26/2009		State
/2	jkuesel 01/30/2009	csicilia 01/30/2009	phenry 01/30/2009		cduerst 01/30/2009		State
/3	jkuesel 02/02/2009	nnatzke 02/02/2009	mduchek 02/02/2009		lparisi 02/02/2009		State
/4	jkuesel 02/10/2009	csicilia 02/10/2009	rschluet 02/10/2009		lparisi 02/10/2009		

Vers.   Drafted   Reviewed   Typed   Proofed   Submitted   Jacketed   Required

FE Sent For:

**<END>**

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/3	jkuesel 02/02/2009	nnatzke 02/02/2009	mduchek 02/02/2009	_____	lparisi 02/02/2009		

FE Sent For:

14 jgs 2/10  
09



NOTE on 3

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/1			rschluet 01/26/2009	_____	sbasford 01/26/2009		State
/2	jkuesel 01/30/2009	csicilia 01/30/2009	phenry 01/30/2009	_____	cduerst 01/30/2009		

FE Sent For:

<END>

2/2

DN 0157 on 2

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**Pre Topic:**

DOA:.....Kraus, BB0513 -

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**Topic:**

Sales of state-owned real property

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**Instructions:**

Per attached request, 1/23/09.

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/?	jkuesel 01/25/2009	csicilia 01/26/2009					State
/1 12	jkuesel 1/30/09		rschluet 01/26/2009	1/30 ph	sbasford 01/26/2009		
FE Sent For:	2 js 09	1/30 09	1/30 ph	<END>			

**2009 DRAFTING REQUEST**

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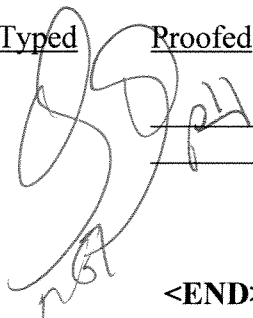

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1/1	jkuesel 1/25/09	1 cjs 1/26 09					
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FE Sent For:

**<END>**

## Budget Bill Statutory Language Drafting Request

- Topic: Asset sales
- Tracking Code: BB0513
- SBO team:
  - SBO analyst: Jennifer Kraus
    - Phone: 266-1353
    - Email: Jennifer.kraus@wisconsin.gov
- Agency acronym: ALL
- Agency number:
- Priority (Low, Medium, High): High

### Intent:

Continue the current law treatment of proceeds from asset sales into the 2009-11 biennium.



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1771/?

1

JTK:cjs

wanted soon

DOA:.....Kraus, BB0513 - Sales of state-owned real property

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

SA  
A-req

Do NOT Gen

LPS:  
The Inserts are  
very messy -  
please ask me  
if you have any  
questions. Thanks,  
Chris

- 1 AN ACT...; relating to: sale of certain state-owned real property and making  
2 appropriations.

*Analysis by the Legislative Reference Bureau*

ISA

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 3 SECTION 1. 13.48 (14) (a) of the statutes is amended to read:  
4 13.48 (14) (a) In this subsection, "agency" has the meaning given for "state  
5 agency" in s. 20.001 (1), except that during the period prior to July 1, 2007, and the  
6 and the period beginning on the effective date of this paragraph, the term does  
7 not include the Board of Regents of the University of Wisconsin System.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 1j to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20.

- 8 SECTION 2. 20.285 (1) (h) of the statutes is amended to read:

strike

4....5

ending on

insert  
date  
and  
June  
30,  
2011,



20.285 (1) (h) *Auxiliary enterprises*. Except as provided under subs. (5) (i) and (6) (g), all moneys received by the University of Wisconsin System for or on account of any housing facility, commons, dining halls, cafeteria, student union, athletic activities, stationery stand or bookstore, parking facilities or car fleet, or such other auxiliary enterprise activities as the board designates and including such fee revenues as allocated by the board and including such moneys received under leases entered into previously with nonprofit building corporations as the board designates to be receipts under this paragraph, but not including any moneys received from the sale of real property during the period before July 1, 2007, ~~and the period beginning~~ *and during the period beginning on the effective date of this paragraph* on October 27, 2007, and ending on June 30, 2009, to be used for the operation, maintenance, and capital expenditures of activities specified in this paragraph, including the transfer of funds to pars. (kd) and (ke), and to nonprofit building corporations to be used by the corporations for the retirement of existing indebtedness and such other payments as may be required under existing loan agreements, for optional rental payments in addition to the mandatory rental payments under the leases and subleases in connection with the providing of facilities for such activities, and for grants under ss. 36.25 (14) and 36.34. A separate account shall be maintained for each campus and extension. Upon the request of the extension or any campus within the system, the board of regents may transfer surplus moneys appropriated under this paragraph to the appropriation account under par. (kp).

**History:** 1971 c. 40 s. 93; 1971 c. 100 s. 23; 1971 c. 125, 215, 236; 1971 c. 323 s. 27; 1973 c. 90, 301, 333, 340; 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 198 s. 63; 1975 c. 224; 1977 c. 29; 1977 c. 418 ss. 91 to 92, 924 (50), 929 (55); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27 ss. 213 to 215m, 2202 (20); 1983 a. 237; 1983 a. 333 s. 6; 1985 a. 29, 120, 339; 1987 a. 27, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 269, 335, 353; 1991 a. 39, 167, 269; 1993 a. 16, 455; 1995 a. 27 ss. 600m to 615m, 1080b, 1085b, 1086b; 1995 a. 227, 228; 1997 a. 27 s. 257m, 263m, 271 to 281; 1997 a. 237, 252; 1999 a. 9, 32, 107; 1999 a. 150 s. 672; 2001 a. 16, 103, 109; 2003 a. 33, 176, 321; 2005 a. 25, 460; 2007 a. 20 ss. 248m to 262, 9121 (6) (a).

**SECTION 3.** 20.285 (1) (iz) of the statutes is amended to read:

20.285 (1) (iz) *General operations receipts*. All moneys received for or on account of the University of Wisconsin System, unless otherwise specifically appropriated, including all moneys received from the sale of real property during the period prior to July 1, 2007, and the period beginning on October 27, 2007, and ending on June 30, 2009, to be used for general operations. In fiscal years 2007-08, 2008-09, 2009-10, and 2010-11, the board shall annually transfer \$15,000,000 from this appropriation account to the medical assistance trust fund.

**History:** 1971 c. 40 s. 93; 1971 c. 100 s. 23; 1971 c. 125, 215, 236; 1971 c. 323 s. 27; 1973 c. 90, 301, 333, 340; 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 198 s. 63; 1975 c. 224; 1977 c. 29; 1977 c. 418 ss. 91 to 92, 924 (50), 929 (55); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27 ss. 213 to 215m, 2202 (20); 1983 a. 237; 1983 a. 333 s. 6; 1985 a. 29, 120, 339; 1987 a. 27, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 269, 335, 353; 1991 a. 39, 167, 269; 1993 a. 16, 455; 1995 a. 27 ss. 600m to 615m, 1080b, 1085b, 1086b; 1995 a. 227, 228; 1997 a. 27 s. 257m, 263m, 271 to 281; 1997 a. 237, 252; 1999 a. 9, 32, 107; 1999 a. 150 s. 672; 2001 a. 16, 103, 109; 2003 a. 33, 176, 321; 2005 a. 25, 460; 2007 a. 20 ss. 248m to 262, 9121 (6) (a).

**SECTION 4.** 20.285 (1) (j) of the statutes is amended to read:

20.285 (1) (j) *Gifts and donations*. All moneys received from gifts, grants, bequests and devises, except moneys received from the sale of real property during the period before July 1, 2007, and the period beginning on October 27, 2007, and ending on June 30, 2009, to be administered and expended in accordance with the terms of the gift, grant, bequest or devise to carry out the purposes for which made and received.

**History:** 1971 c. 40 s. 93; 1971 c. 100 s. 23; 1971 c. 125, 215, 236; 1971 c. 323 s. 27; 1973 c. 90, 301, 333, 340; 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 198 s. 63; 1975 c. 224; 1977 c. 29; 1977 c. 418 ss. 91 to 92, 924 (50), 929 (55); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27 ss. 213 to 215m, 2202 (20); 1983 a. 237; 1983 a. 333 s. 6; 1985 a. 29, 120, 339; 1987 a. 27, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 269, 335, 353; 1991 a. 39, 167, 269; 1993 a. 16, 455; 1995 a. 27 ss. 600m to 615m, 1080b, 1085b, 1086b; 1995 a. 227, 228; 1997 a. 27 s. 257m, 263m, 271 to 281; 1997 a. 237, 252; 1999 a. 9, 32, 107; 1999 a. 150 s. 672; 2001 a. 16, 103, 109; 2003 a. 33, 176, 321; 2005 a. 25, 460; 2007 a. 20 ss. 248m to 262, 9121 (6) (a).

**SECTION 5.** 20.285 (1) (ka) of the statutes is amended to read:

20.285 (1) (ka) *Sale of real property*. All net proceeds from the sale of real property by the board under s. 36.34, 1969 stats., and s. 36.33, except net proceeds received during the period before July 1, 2007, and the period beginning on October 27, 2007, and ending on June 30, 2009, to be used for the purposes of s. 36.34, 1969 stats., and s. 36.33, including the expenses enumerated in s. 13.48 (2) (d) incurred in selling the real property under those sections.

**History:** 1971 c. 40 s. 93; 1971 c. 100 s. 23; 1971 c. 125, 215, 236; 1971 c. 323 s. 27; 1973 c. 90, 301, 333, 340; 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 198 s. 63; 1975 c. 224; 1977 c. 29; 1977 c. 418 ss. 91 to 92, 924 (50), 929 (55); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27 ss. 213 to 215m, 2202 (20); 1983 a. 237; 1983

07 Act 20  
§ 3936

PLAIN text, no scoring

was last amended by 2007  
Wisc. in Act 20, section  
3936

Oct 27, 2007

Section 3936. 2005 Wisconsin Act 25, section 9101(4)(b) and (c) is amended to read:

[2005 Wisconsin Act 25] Section 9101(4)(b) ~~the secretary~~ The department of administration shall submit a report to the secretary of the building commission containing an inventory of his or her recommendations to offer specified state properties may offer any parcel of state-owned real property for sale ~~under~~ in accordance with section 16.848 of the statutes, as created by this act, if the property is eligible for sale under that section and this subsection. If the department of administration receives an offer to purchase the property, the secretary of administration may submit a report to the secretary of the building commission recommending acceptance of the offer. The report shall contain a description of the property and the reasons therefor. ~~A property may be included in the inventory for the recommendation.~~ The secretary of administration may recommend the sale of a property with or without approval of the state agency having jurisdiction of the property. If, during the period on or before June 30, 2007, ~~or~~ the period beginning on the effective date of this paragraph and ending on June 30, 2009, the building commission votes to approve the sale of any offer to purchase the property ~~included in the inventory~~, the department of administration may offer sell the property for sale under section 16.848 of the statutes, as created by this act.

(c) This subsection does not apply during the period beginning after June 30, 2007 and ending the day before the effective date of this paragraph, ~~nor~~ during the period after June 30, 2009.

STET: show "nor" in PLAIN text

on October 26, 2007

ending on

~~and~~ or the period beginning on the effective date of this paragraph and June 30, 2011,

and ending before the effective date of this paragraph  
nor during the period ~~beginning on the effective date~~ of this paragraph and  
after June 30, 2011

October 27, 2007,

strike

✓  
as last amended by 2007  
W. Consin Act 20 ✓  
Section 3937 ✓

~~Section 3937~~. 2005 Wisconsin Act 25, section 9152(5) is amended to read:

[2005 Wisconsin Act 25] Section 9152(5) **Sale of real property**. If the Board of Regents of the University of Wisconsin System sells any real property under its jurisdiction during the period prior to July 1, 2007, and the period beginning on the effective date of this subsection and ending on June 30, 2009, the board shall credit the net proceeds of the sale to the appropriation account under section 20.285(1)(iz) of the statutes, as affected by this act, except that if there is any outstanding public debt used to finance the acquisition, construction, or improvement of any property that is sold, the board shall deposit a sufficient amount of the net proceeds from the sale of the property in the bond security and redemption fund under section 18.09 of the statutes to repay the principal and pay the interest on the debt, and any premium due upon refunding any of the debt. If the property was acquired, constructed, or improved with federal financial assistance, the board shall pay to the federal government any of the net proceeds required by federal law. If the property was acquired by gift or grant or acquired with gift or grant funds, the board shall adhere to any restriction governing use of the proceeds.

~~or~~ ~~the~~ ~~period~~ ~~beginning~~ ~~on~~ ~~the~~ ~~effective~~  
date of this subsection and ending on  
June 30, 2011;

(end)

TWS A '1

DOA:.....Kraus, BB0264 - Sale of state property

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

- 1 AN ACT ...; relating to: sale of certain state-owned real property and making  
2 appropriations.

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*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Currently, state agencies having jurisdiction over state properties are authorized to sell the properties under various conditions and limitations, if the operation of the properties is not specifically provided for by law. The proceeds of any sales are credited or deposited in various ways as provided by law. Currently, the Building Commission may sell all or any part of a state-owned building or structure or state-owned land if such authority is not provided to a state agency by law. The proceeds of any such sales, after retirement of any outstanding debt on the affected properties, are paid into the budget stabilization fund. In addition, the Building Commission may sell certain surplus state-owned land, subject in most cases to the approval of the Joint Committee on Finance, and may sell certain state-owned land in the vicinity of the state capitol. However, under a special law enacted in 2005, DOA is authorized to offer for sale and sell certain state property if the Building Commission authorizes the property to be offered for sale before July 1, 2007. Under that law, sales may be either on the basis of public bids or negotiated prices, and need not reflect fair market value. Sales may be with or without the approval of the state agency that has jurisdiction over the property.

and amended  
in 2007

sold

or during the  
period  
beginning on  
September 27, 2007,  
and ending on  
June 30, 2009

*the same*  
 With ~~certain exceptions~~, <sup>as</sup> this bill permits DOA to sell <sup>certain</sup> state property under similar terms and conditions to those specified under current law, ~~except that, under the bill, DOA may offer an eligible parcel of property for sale contingent upon approval of any offer of sale by the Building Commission if the offer is approved by the commission during the period beginning on the day this bill becomes law and ending on June 30, 2009.~~ *2011*

Currently, the proceeds of sales of real property by the Board of Regents of the University of Wisconsin System are appropriated for various purposes. However, with certain exceptions, the net proceeds of sales before July 1, 2007, must be used for the operation of the UW System. *2011*

This bill imposes the same requirement for the net proceeds of any sales of real property by the Board of Regents that occur during the period beginning on the day this bill becomes law and ending on June 30, ~~2009~~, subject to the same exceptions. *or during the period beginning on October 27, 2007, and ending on June 30, 2009,*

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 13.48 (14) (a) of the statutes is amended to read:

13.48 (14) (a) In this subsection, "agency" has the meaning given for "state agency" in s. 20.001 (1), except that during the period prior to July 1, 2007, and the period beginning on the effective date of this paragraph ... [revisor inserts date], and ending on June 30, 2009, the term does not include the Board of Regents of the University of Wisconsin System.

**SECTION 2.** 16.848 (2) (gc), (gg), (gn), (gr), (gt) and (gw) of the statutes are created to read:

16.848 (2) (gc) Subsection (1) does not apply to property that is subject to sale by the department of military affairs under s. 21.19 (3) or 21.42 (3).

(gg) Subsection (1) does not apply to property that is conveyed by the department of corrections under s. 301.25.

(gn) Subsection (1) does not apply to property that is subject to sale by the state under 20.909 (2).



(DRAFT)  
State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1771/1 2

JTK:cjs:rs

stays

DOA:.....Kraus, BB0513 - Sales of state-owned real property

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

Do NOT Go

- 1 AN ACT ~~relating to~~; relating to: sale of certain state-owned real property and making  
2 appropriations.

---

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Currently, state agencies having jurisdiction over state properties are authorized to sell the properties under various conditions and limitations, if the operation of the properties is not specifically provided for by law. The proceeds of any sales are credited or deposited in various ways as provided by law. Currently, the Building Commission may sell all or any part of a state-owned building or structure or state-owned land if such authority is not provided to a state agency by law. The proceeds of any such sales, after retirement of any outstanding debt on the affected properties, are paid into the budget stabilization fund. In addition, the Building Commission may sell certain surplus state-owned land, subject in most cases to the approval of the Joint Committee on Finance, and may sell certain state-owned land in the vicinity of the state capitol. However, under a special law enacted in 2005 and amended in 2007, DOA is authorized to offer for sale and sell certain state property if the Building Commission authorizes the property to be sold before July 1, 2007 or during the period beginning on October 27, 2007, and ending on June 30, 2009. Under that law, sales may be either on the basis of public bids or negotiated prices, and need not reflect fair market value. Sales may be with or without the approval of the state agency that has jurisdiction over the property.

This bill permits DOA to sell certain state property under the same terms and conditions as those specified under current law upon approval of any offer of sale by the Building Commission if the offer is approved by the commission during the period beginning on the day this bill becomes law and ending on June 30, 2011.

Currently, the proceeds of sales of real property by the Board of Regents of the University of Wisconsin System are appropriated for various purposes. However, with certain exceptions, the net proceeds of sales before July 1, 2007, or during the period beginning on October 27, 2007, and ending on June 30, 2009, must be used for the operation of the UW System.

This bill imposes the same requirement for the net proceeds of any sales of real property by the Board of Regents that occur during the period beginning on the day this bill becomes law and ending on June 30, 2011, subject to the same exceptions.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1        **SECTION 1.** 13.48 (14) (a) of the statutes is amended to read:

2        13.48 (14) (a) In this subsection, "agency" has the meaning given for "state  
3        agency" in s. 20.001 (1), except that during the period prior to July 1, 2007, and the  
4        period beginning on October 27, 2007, and ending on June 30, 2009, and the period  
5        beginning on the effective date of this paragraph .... [LRB inserts date], and ending  
6        on June 30, 2011, the term does not include the Board of Regents of the University  
7        of Wisconsin System.

8        **SECTION 2.** 20.285 (1) (h) of the statutes is amended to read:

9        20.285 (1) (h) *Auxiliary enterprises.* Except as provided under subs. (5) (i) and  
10       (6) (g), all moneys received by the University of Wisconsin System for or on account  
11       of any housing facility, commons, dining halls, cafeteria, student union, athletic  
12       activities, stationery stand or bookstore, parking facilities or car fleet, or such other  
13       auxiliary enterprise activities as the board designates and including such fee  
14       revenues as allocated by the board and including such moneys received under leases



1 entered into previously with nonprofit building corporations as the board designates  
2 to be receipts under this paragraph, but not including any moneys received from the  
3 sale of real property during the period before July 1, 2007, and the period beginning  
4 on October 27, 2007, and ending on June 30, 2009, and the period beginning on the  
5 effective date of this paragraph .... [LRB inserts date], and ending on June 30, 2011,  
6 to be used for the operation, maintenance, and capital expenditures of activities  
7 specified in this paragraph, including the transfer of funds to pars. (kd) and (ke), and  
8 to nonprofit building corporations to be used by the corporations for the retirement  
9 of existing indebtedness and such other payments as may be required under existing  
10 loan agreements, for optional rental payments in addition to the mandatory rental  
11 payments under the leases and subleases in connection with the providing of  
12 facilities for such activities, and for grants under ss. 36.25 (14) and 36.34. A separate  
13 account shall be maintained for each campus and extension. Upon the request of the  
14 extension or any campus within the system, the board of regents may transfer  
15 surplus moneys appropriated under this paragraph to the appropriation account  
16 under par. (kp).

17 **SECTION 3.** 20.285 (1) (iz) of the statutes is amended to read:

18 20.285 (1) (iz) *General operations receipts.* All moneys received for or on  
19 account of the University of Wisconsin System, unless otherwise specifically  
20 appropriated, including all moneys received from the sale of real property during the  
21 period prior to July 1, 2007, and the period beginning on October 27, 2007, and  
22 ending on June 30, 2009, and the period beginning on the effective date of this  
23 paragraph .... [LRB inserts date], and ending on June 30, 2011, to be used for general  
24 operations. In fiscal years 2007-08, 2008-09, 2009-10, and 2010-11, the board shall

1 annually transfer \$15,000,000 from this appropriation account to the medical  
2 assistance trust fund.

3 SECTION 4. 20.285 (1) (j) of the statutes is amended to read:

4 20.285 (1) (j) *Gifts and donations.* All moneys received from gifts, grants,  
5 bequests and devises, except moneys received from the sale of real property during  
6 the period before July 1, 2007, and the period beginning on October 27, 2007, and  
7 ending on June 30, 2009, and the period beginning on the effective date of this  
8 paragraph .... [LRB inserts date], and ending on June 30, 2011, to be administered  
9 and expended in accordance with the terms of the gift, grant, bequest or devise to  
10 carry out the purposes for which made and received.

11 SECTION 5. 20.285 (1) (ka) of the statutes is amended to read:

12 20.285 (1) (ka) *Sale of real property.* All net proceeds from the sale of real  
13 property by the board under s. 36.34, 1969 stats., and s. 36.33, except net proceeds  
14 received during the period before July 1, 2007, and the period beginning on October  
15 27, 2007, and ending on June 30, 2009, and the period beginning on the effective date  
16 of this paragraph .... [LRB inserts date], and ending on June 30, 2011, to be used for  
17 the purposes of s. 36.34, 1969 stats., and s. 36.33, including the expenses enumerated  
18 in s. 13.48 (2) (d) incurred in selling the real property under those sections.

19 SECTION 6. 2005 Wisconsin Act 25, section 9101 (4) (b) and (c), as last  
20 renumbered by 2007 Wisconsin Act 20, section 3936, is amended to read:

21 [2005 Wisconsin Act 25] Section 9101 (4) (b) The department of administration  
22 may offer any parcel of state-owned real property for sale in accordance with section  
23 16.848 of the statutes, as created by this act, if the property is eligible for sale under  
24 that section and this subsection. If the department of administration receives an  
25 offer to purchase the property, the secretary of administration may submit a report

amended

1 to the secretary of the building commission recommending acceptance of the offer.  
2 The report shall contain a description of the property and the reasons for the  
3 recommendation. The secretary of administration may recommend the sale of a  
4 property with or without approval of the state agency having jurisdiction of the  
5 property. If, during the period on or before June 30, 2007, ~~or the period beginning~~  
6 ~~on the effective date of this paragraph~~ October 27, 2007, and ending on June 30, 2009,  
7 or the period beginning on the effective date of this paragraph and ending on June  
8 30, 2011, the building commission votes to approve the offer to purchase the property,  
9 the department of administration may sell the property.

10 (c) This subsection does not apply during the period beginning after June 30,  
11 2007 and ending ~~the day before the effective date of this paragraph on October 26,~~  
12 2007, nor during the period beginning after June 30, 2009, and ending before the  
13 effective date of this paragraph, nor during the period after June 30, 2011.

14 **SECTION 7.** 2005 Wisconsin Act 25, section 9152 (5), as last amended by 2007  
15 Wisconsin Act 20, section 3937, is amended to read:

16 [2005 Wisconsin Act 25] Section 9152 (5) **Sale of real property.** If the Board  
17 of Regents of the University of Wisconsin System sells any real property under its  
18 jurisdiction during the period prior to July 1, 2007, and the period beginning on the  
19 ~~effective date of this subsection~~ October 27, 2007, and ending on June 30, 2009, or  
20 the period beginning on the effective date of this subsection and ending on June 30,  
21 2011, the board shall credit the net proceeds of the sale to the appropriation account  
22 under section 20.285 (1) (iz) of the statutes, as affected by this act, except that if there  
23 is any outstanding public debt used to finance the acquisition, construction, or  
24 improvement of any property that is sold, the board shall deposit a sufficient amount  
25 of the net proceeds from the sale of the property in the bond security and redemption

1 fund under section 18.09 of the statutes to repay the principal and pay the interest  
2 on the debt, and any premium due upon refunding any of the debt. If the property  
3 was acquired, constructed, or improved with federal financial assistance, the board  
4 shall pay to the federal government any of the net proceeds required by federal law.  
5 If the property was acquired by gift or grant or acquired with gift or grant funds, the  
6 board shall adhere to any restriction governing use of the proceeds.

7 (END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1771/2dn

JTK.....



Jennifer Kraus:

✓ ✓ ✓  
This draft reconciles LRB-1293/1, LRB-1430/1, and LRB-1771/1. This draft, along  
with LRB-1293/1 and LRB-1430/1, should continue to appear in the compiled bill.  
✓ ✓

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Managing Attorney  
Phone: (608) 266-6778

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1771/2dn  
JTK:cjs:ph

January 30, 2009

Jennifer Kraus:

This draft reconciles LRB-1293/1, LRB-1430/1, and LRB-1771/1. This draft, along with LRB-1293/1 and LRB-1430/1, should continue to appear in the compiled bill.

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(NOTE)

**State of Wisconsin**  
**2009 - 2010 LEGISLATURE**

LRB-1771/2 3

JTK:cjs:ph

§ nwn

DOA:.....Kraus, BB0513 - Sales of state-owned real property

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

- 1      <sup>don't gen.</sup> **AN ACT** ...; **relating to:** sale of certain state-owned real property and making
- 2      appropriations.

---

***Analysis by the Legislative Reference Bureau***

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Currently, state agencies having jurisdiction over state properties are authorized to sell the properties under various conditions and limitations, if the operation of the properties is not specifically provided for by law. The proceeds of any sales are credited or deposited in various ways as provided by law. Currently, the Building Commission may sell all or any part of a state-owned building or structure or state-owned land if such authority is not provided to a state agency by law. The proceeds of any such sales, after retirement of any outstanding debt on the affected properties, are paid into the budget stabilization fund. In addition, the Building Commission may sell certain surplus state-owned land, subject in most cases to the approval of the Joint Committee on Finance, and may sell certain state-owned land in the vicinity of the state capitol. However, under a special law enacted in 2005 and amended in 2007, DOA is authorized to offer for sale and sell certain state property if the Building Commission authorizes the property to be sold before July 1, 2007 or during the period beginning on October 27, 2007, and ending on June 30, 2009. Under that law, sales may be either on the basis of public bids or negotiated prices, and need not reflect fair market value. Sales may be with or without the approval of the state agency that has jurisdiction over the property.

This bill permits DOA to sell certain state property under the same terms and conditions as those specified under current law upon approval of any offer of sale by the Building Commission if the offer is approved by the commission during the period beginning on the day this bill becomes law and ending on June 30, 2011.

Currently, the proceeds of sales of real property by the Board of Regents of the University of Wisconsin System are appropriated for various purposes. However, with certain exceptions, the net proceeds of sales before July 1, 2007, or during the period beginning on October 27, 2007, and ending on June 30, 2009, must be used for the operation of the UW System.

This bill imposes the same requirement for the net proceeds of any sales of real property by the Board of Regents that occur during the period beginning on the day this bill becomes law and ending on June 30, 2011, subject to the same exceptions.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 13.48 (14) (a) of the statutes is amended to read: ✓

2       13.48 (14) (a) In this subsection, "agency" has the meaning given for "state  
3       agency" in s. 20.001 (1), except that during the period prior to July 1, 2007, and the  
4       period beginning on October 27, 2007, and ending on June 30, 2009, and the period  
5       beginning on the effective date of this paragraph .... [LRB inserts date], and ending  
6       on June 30, 2011, the term does not include the Board of Regents of the University  
7       of Wisconsin System.

8       **SECTION 2.** 20.285 (1) (j) of the statutes is amended to read: ✓

9       20.285 (1) (j) *Gifts and donations.* All moneys received from gifts, grants,  
10       bequests and devises, except moneys received from the sale of real property during  
11       the period before July 1, 2007, and the period beginning on October 27, 2007, and  
12       ending on June 30, 2009, and the period beginning on the effective date of this  
13       paragraph .... [LRB inserts date], and ending on June 30, 2011, to be administered



1 and expended in accordance with the terms of the gift, grant, bequest or devise to  
2 carry out the purposes for which made and received.

3 **SECTION 3.** 20.285 (1) (ka) of the statutes is amended to read: ✓

4 20.285 (1) (ka) *Sale of real property.* All net proceeds from the sale of real  
5 property by the board under s. 36.34, 1969 stats., and s. 36.33, except net proceeds  
6 received during the period before July 1, 2007, and the period beginning on October  
7 27, 2007, and ending on June 30, 2009, and the period beginning on the effective date  
8 of this paragraph .... [LRB inserts date], and ending on June 30, 2011, to be used for  
9 the purposes of s. 36.34, 1969 stats., and s. 36.33, including the expenses enumerated  
10 in s. 13.48 (2) (d) incurred in selling the real property under those sections.

11 **SECTION 4.** 2005 Wisconsin Act 25, section 9101 (4) (b) and (c), as last amended  
12 by 2007 Wisconsin Act 20, section 3936, is amended to read:

13 [2005 Wisconsin Act 25] Section 9101 (4) (b) The department of administration  
14 may offer any parcel of state-owned real property for sale in accordance with section  
15 16.848 of the statutes, as created by this act, if the property is eligible for sale under  
16 that section and this subsection. If the department of administration receives an  
17 offer to purchase the property, the secretary of administration may submit a report  
18 to the secretary of the building commission recommending acceptance of the offer.  
19 The report shall contain a description of the property and the reasons for the  
20 recommendation. The secretary of administration may recommend the sale of a  
21 property with or without approval of the state agency having jurisdiction of the  
22 property. If, during the period on or before June 30, 2007, ~~or~~ the period beginning  
23 on the effective date of this paragraph October 27, 2007, and ending on June 30, 2009,  
24 or the period beginning on the effective date of this paragraph and ending on June

1     30, 2011, the building commission votes to approve the offer to purchase the property,  
2     the department of administration may sell the property.

3           (c) This subsection does not apply during the period beginning after June 30,  
4     2007 and ending ~~the day before the effective date of this paragraph on October 26,~~  
5     2007, nor during the period beginning after June 30, 2009, and ending before the  
6     effective date of this paragraph, nor during the period after June 30, 2011.

7           ~~SECTION 5.~~ 2005 Wisconsin Act 25, section 9152 (5), as last amended by 2007  
8     Wisconsin Act 20, section 3937, is amended to read:

9           [2005 Wisconsin Act 25] Section 9152 (5) **Sale of real property.** If the Board  
10     of Regents of the University of Wisconsin System sells any real property under its  
11     jurisdiction during the period prior to July 1, 2007, ~~and the period beginning on the~~  
12     ~~effective date of this subsection~~ October 27, 2007, and ending on June 30, 2009, or  
13     the period beginning on the effective date of this subsection and ending on June 30,  
14     2011, the board shall credit the net proceeds of the sale to the appropriation account  
15     under section 20.285 (1) (iz) of the statutes, as affected by this act, except that if there  
16     is any outstanding public debt used to finance the acquisition, construction, or  
17     improvement of any property that is sold, the board shall deposit a sufficient amount  
18     of the net proceeds from the sale of the property in the bond security and redemption  
19     fund under section 18.09 of the statutes to repay the principal and pay the interest  
20     on the debt, and any premium due upon refunding any of the debt. If the property  
21     was acquired, constructed, or improved with federal financial assistance, the board  
22     shall pay to the federal government any of the net proceeds required by federal law.  
23     If the property was acquired by gift or grant or acquired with gift or grant funds, the  
24     board shall adhere to any restriction governing use of the proceeds.

25                   (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

*Date*

LRB-1771/3dn

JTK<sup>g</sup>...:....

nwn

Jennifer Kraus:

This draft reconciles LRB-0481/1<sup>✓</sup>, LRB-1293/2<sup>✓</sup>, LRB-1430/3<sup>✓</sup>, and LRB-1771/2<sup>✓</sup>. This draft, along with LRB-0481/2, LRB-1293/3, and LRB-1430/4, should continue to appear in the compiled bill.<sup>✓</sup>

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

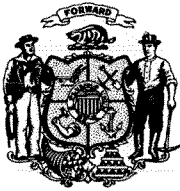
LRB-1771/3dn  
JTK:nwn:md

February 2, 2009

Jennifer Kraus:

This draft reconciles LRB-0481/1, LRB-1293/2, LRB-1430/3, and LRB-1771/2. This draft, along with LRB-0481/2, LRB-1293/3, and LRB-1430/4, should continue to appear in the compiled bill.

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(NOTE)

State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1771/3  
JTK:cjs&nwn:ph

stays

DOA:.....Kraus, BB0513 - Sales of state-owned real property

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

Do NOT Gen

- 1 AN ACT/...; relating to: sale of certain state-owned real property and making  
2 appropriations.

---

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Currently, state agencies having jurisdiction over state properties are authorized to sell the properties under various conditions and limitations, if the operation of the properties is not specifically provided for by law. The proceeds of any sales are credited or deposited in various ways as provided by law. Currently, the Building Commission may sell all or any part of a state-owned building or structure or state-owned land if such authority is not provided to a state agency by law. The proceeds of any such sales, after retirement of any outstanding debt on the affected properties, are paid into the budget stabilization fund. In addition, the Building Commission may sell certain surplus state-owned land, subject in most cases to the approval of the Joint Committee on Finance, and may sell certain state-owned land in the vicinity of the state capitol. However, under a special law enacted in 2005 and amended in 2007, DOA is authorized to offer for sale and sell certain state property if the Building Commission authorizes the property to be sold before July 1, 2007 or during the period beginning on October 27, 2007, and ending on June 30, 2009. Under that law, sales may be either on the basis of public bids or negotiated prices, and need not reflect fair market value. Sales may be with or without the approval of the state agency that has jurisdiction over the property.

This bill permits DOA to sell certain state property under the same terms and conditions as those specified under current law upon approval of any offer of sale by the Building Commission if the offer is approved by the commission during the period beginning on the day this bill becomes law and ending on June 30, 2011.

Currently, the proceeds of sales of real property by the Board of Regents of the University of Wisconsin System are appropriated for various purposes. However, with certain exceptions, the net proceeds of sales before July 1, 2007, or during the period beginning on October 27, 2007, and ending on June 30, 2009, must be used for the operation of the UW System.

This bill imposes the same requirement for the net proceeds of any sales of real property by the Board of Regents that occur during the period beginning on the day this bill becomes law and ending on June 30, 2011, subject to the same exceptions.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

With certain exceptions the proceeds of the sales are deposited in the general fund.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 2005 Wisconsin Act 25, section 9101 (4) (b) and (c), as last amended  
2 by 2007 Wisconsin Act 20, section 3936, is amended to read:

3           [2005 Wisconsin Act 25] Section 9101 (4) (b) The department of administration  
4 may offer any parcel of state-owned real property for sale in accordance with section  
5 16.848 of the statutes, as created by this act, if the property is eligible for sale under  
6 that section and this subsection. If the department of administration receives an  
7 offer to purchase the property, the secretary of administration may submit a report  
8 to the secretary of the building commission recommending acceptance of the offer.  
9 The report shall contain a description of the property and the reasons for the  
10 recommendation. The secretary of administration may recommend the sale of a  
11 property with or without approval of the state agency having jurisdiction of the  
12 property. If, during the period on or before June 30, 2007, or the period beginning  
13 on the effective date of this paragraph October 27, 2007, and ending on June 30, 2009,  
14 or the period beginning on the effective date of this paragraph and ending on June

1     30, 2011, the building commission votes to approve the offer to purchase the property,  
2     the department of administration may sell the property.

(c) This subsection does not apply during the period beginning after June 30, 2007 and ending the day before the effective date of this paragraph on October 26, 2007, nor during the period beginning after June 30, 2009, and ending before the effective date of this paragraph, nor during the period after June 30, 2011.

7 (END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1771/4dn

JTK...:1:....

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**Jennifer Kraus:**

This redraft changes the analysis to specify where the proceeds of property sales (other than UW sales) are deposited.

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

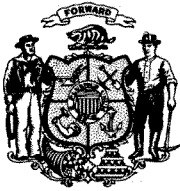
LRB-1771/4dn  
JTK:cjs:rs

February 10, 2009

Jennifer Kraus:

This redraft changes the analysis to specify where the proceeds of property sales (other than UW sales) are deposited.

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State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1771/4  
JTK:cjs&nwn:rs

DOA:.....Kraus, BB0513 - Sales of state-owned real property

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

- 1 **AN ACT ...; relating to:** sale of certain state-owned real property and making  
2 appropriations.

---

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Currently, state agencies having jurisdiction over state properties are authorized to sell the properties under various conditions and limitations, if the operation of the properties is not specifically provided for by law. The proceeds of any sales are credited or deposited in various ways as provided by law. Currently, the Building Commission may sell all or any part of a state-owned building or structure or state-owned land if such authority is not provided to a state agency by law. The proceeds of any such sales, after retirement of any outstanding debt on the affected properties, are paid into the budget stabilization fund. In addition, the Building Commission may sell certain surplus state-owned land, subject in most cases to the approval of the Joint Committee on Finance, and may sell certain state-owned land in the vicinity of the state capitol. However, under a special law enacted in 2005 and amended in 2007, DOA is authorized to offer for sale and sell certain state property if the Building Commission authorizes the property to be sold before July 1, 2007, or during the period beginning on October 27, 2007, and ending on June 30, 2009. Under that law, sales may be either on the basis of public bids or negotiated prices, and need not reflect fair market value. Sales may be with or without the approval of the state agency that has jurisdiction over the property.

This bill permits DOA to sell certain state property under the same terms and conditions as those specified under current law upon approval of any offer of sale by the Building Commission if the offer is approved by the commission during the period beginning on the day this bill becomes law and ending on June 30, 2011. With certain exceptions, the proceeds of the sales are deposited in the general fund.

Currently, the proceeds of sales of real property by the Board of Regents of the University of Wisconsin System are appropriated for various purposes. However, with certain exceptions, the net proceeds of sales before July 1, 2007, or during the period beginning on October 27, 2007, and ending on June 30, 2009, must be used for the operation of the UW System.

This bill imposes the same requirement for the net proceeds of any sales of real property by the Board of Regents that occur during the period beginning on the day this bill becomes law and ending on June 30, 2011, subject to the same exceptions.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 2005 Wisconsin Act 25, section 9101 (4) (b) and (c), as last amended  
2 by 2007 Wisconsin Act 20, section 3936, is amended to read:

3           [2005 Wisconsin Act 25] Section 9101 (4) (b) The department of administration  
4 may offer any parcel of state-owned real property for sale in accordance with section  
5 16.848 of the statutes, as created by this act, if the property is eligible for sale under  
6 that section and this subsection. If the department of administration receives an  
7 offer to purchase the property, the secretary of administration may submit a report  
8 to the secretary of the building commission recommending acceptance of the offer.  
9 The report shall contain a description of the property and the reasons for the  
10 recommendation. The secretary of administration may recommend the sale of a  
11 property with or without approval of the state agency having jurisdiction of the  
12 property. If, during the period on or before June 30, 2007, ~~or~~ the period beginning  
13 ~~on the effective date of this paragraph~~ October 27, 2007, and ending on June 30, 2009,  
14 or the period beginning on the effective date of this paragraph and ending on June

1     30, 2011, the building commission votes to approve the offer to purchase the property,  
2     the department of administration may sell the property.

(c) This subsection does not apply during the period beginning after June 30, 2007 and ending the day before the effective date of this paragraph on October 26, 2007, nor during the period beginning after June 30, 2009, and ending before the effective date of this paragraph, nor during the period after June 30, 2011.

**(END)**